

April 17, 2015

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
April 17, 2015

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:02 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chairman Fredrick H. Bates, Anita M. Cummings, Garrett P. FitzGerald (by telephone), Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director (by telephone); Mike Quinlan (by telephone), Jayne Bethard (by telephone), and Chris Nickols (by telephone), Illinois Department of Central Management Services; Mark Ostrowski, Scott Deubel, Patricia Lowe, Karen Weathers (by telephone), and Isaiah D. Vega, Illinois Gaming Board; Grace Hong-Duffin, Jennifer Aring (by telephone), Heidi Guernsey (by telephone), and Scott Viniard (by telephone), Illinois Department of Human Services; Beth Duesterhaus (by telephone), Lori Tinsley (by telephone), and Connie Westfall (by telephone), Shared Services Center; and Mary Ray.

Executive Director Daniel Stralka advised that he had been notified in advance that Commissioner Garrett FitzGerald was prevented from physically attending the April 17, 2015 meeting at the Commissioner's Chicago office due to personal illness and wished to attend by audio conference.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 4-0 TO ALLOW COMMISSIONER FITZGERALD TO ATTEND THE MEETING BY AUDIO CONFERENCE

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD MARCH 20, 2015

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD MARCH 20, 2015.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

At this time, in accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Executive Director Daniel Stralka offered an opportunity for any person to address members of the Commission. Hearing no response, the meeting proceeded to the next agenda item.

April 17, 2015

V. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Department of Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	134.....	18
Agriculture	330.....	20
Arts Council	15.....	2
Capitol Development Board.....	46.....	0
Central Management Services.....	1,357.....	115
Children and Family Services	2,644.....	49
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	318.....	69
Commerce Commission	68.....	0
Corrections.....	11,148.....	98
Criminal Justice Authority	53.....	5
Deaf and Hard of Hearing Comm.....	7.....	1
Developmental Disabilities Council.....	9.....	1
Emergency Management Agency.....	78.....	5
Employment Security	1,230.....	32
Environmental Protection Agency.....	788.....	17
Financial & Professional Regulation.....	446.....	49
Gaming Board	162.....	6
Guardianship and Advocacy	104.....	8
Healthcare and Family Services	2,074.....	26
Historic Preservation Agency.....	149.....	14
Human Rights Commission.....	14.....	2
Human Rights Department.....	139.....	9
Human Services	12,928.....	75
Illinois Torture Inquiry Relief Commission	3.....	1
Independent Tax Tribunal	1.....	0
Insurance	239.....	16
Investment Board	4.....	2
Juvenile Justice.....	1,053.....	25
Labor.....	95.....	11
Labor Relations Board Educational.....	10.....	2
Labor Relations Board State.....	14.....	2
Law Enforcement Training & Standards Bd.	17.....	2
Lottery.....	127.....	7
Military Affairs	123.....	3
Natural Resources	1,190.....	31
Pollution Control Board	20.....	2
Prisoner Review Board.....	17.....	0
Property Tax Appeal Board.....	31.....	1
Public Health.....	1,169.....	41
Racing Board.....	2.....	1
Revenue.....	1,732.....	54
State Fire Marshal	128.....	12
State Police.....	1,084.....	9
State Police Merit Board	5.....	2
State Retirement Systems.....	102.....	3
Transportation	2,903.....	0
Veterans' Affairs.....	1,370.....	9
Workers' Compensation Commission.....	124.....	11
TOTALS	45,808.....	868

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
- 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

* * *

C. Requests for 4d(3) Exemption

Executive Director Daniel Stralka reported the following:

- As to Item C, this matter had been continued from the Commission's March meeting. The agency asked for an additional continuance to the May meeting. Staff had no objection to this request.
- As to Item D1 and D2, these requests are for two Legislative Liaison positions at the Department of Human Services. These positions report to the Chief Liaison who reports to the Secretary. One is responsible for the Division of Mental Health while the other is responsible for the Division of Alcoholism and Substance Abuse and Rehabilitation Services. It is noteworthy that these were previously stand-alone agencies prior to the consolidation resulting in the creation of Human Services in 1997. Both positions require the person to regularly communicate in the course of their employment with officials or staff of the General Assembly for the purposes of influencing legislative action. If approved, this would result in a total of five principal policy exempt positions in the agency's legislative office. For these reasons, Staff recommended approval of this request.
- As to Item E, the agency asked to continue this request to the May meeting. Staff had no objection to this request.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0, TO CONTINUE TO MAY 15, 2015 THE EXEMPTION REQUEST FOR THE FOLLOWING POSITIONS:

C: Associate Director, Adult Redeploy Illinois Unit (Criminal Justice Information Authority)

E: Chief Accountability Officer (Emergency Management Agency)

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0, TO GRANT THE EXEMPTION REQUEST FOR THE FOLLOWING POSITIONS:

D1: Legislative Liaison, Division of Mental Health (Human Services)

D2: Legislative Liaison, Divisions of Alcoholism and Substance Abuse and Rehabilitation Services (Human Services)

April 17, 2015

The following 4d(3) exemption requests were continued to May 15, 2015:

C. Criminal Justice Information Authority

Position Number	40070-50-05-600-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Associate Director, Adult Redeploy Illinois Unit
Incumbent	Vacant
Supervisor	Executive Director
Location	Cook County

E. Illinois Emergency Management Agency

Position Number	40070-50-17-000-10-03
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Chief Accountability Officer
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

The following 4d(3) exemption requests were granted on April 17, 2015:

D1. Illinois Department of Human Services

Position Number	13852-10-19-040-00-03
Position Title	Executive II
Bureau/Division	Office of Legislation
Functional Title	Legislative Liaison, Division of Mental Health
Incumbent	Vacant
Supervisor	Chief Legislative Liaison who reports to the Secretary
Location	Sangamon County

D2. Illinois Department of Human Services

Position Number	13852-10-19-040-00-04
Position Title	Executive II
Bureau/Division	Office of legislation
Functional Title	Legislative Liaison, Divisions of Alcoholism and Substance Abuse and Rehabilitation Services
Incumbent	Vacant
Supervisor	Chief Legislative Liaison who reports to the Secretary
Location	Sangamon County

April 17, 2015

VI. CONSIDERATION OF THE STATUS OF PRIVATE SECRETARIES AND CONFIDENTIAL ASSISTANTS EXEMPT FROM JURISDICTION B PURSUANT TO SECTION 4D(1) OF THE PERSONNEL CODE

Staff noted that it had yet to receive a response from Central Management Services on this matter despite a reminder e-mail after the last meeting. Chairman Bates suggested continuing this item to the May meeting to allow some additional time for a response. It was the consensus of the Commissioners to proceed in this manner.

VII. CLASS SPECIFICATIONS

A. Governing Rule – Section 1.45 Classification Plan

The Commission will review the class specifications requiring Commission approval under the Classification Plan and will approve those that meet the requirements of the Personnel Code and Personnel Rules and conform to the following accepted principles of position classification:

- a) The specifications are descriptive of the work being done or that will be done;
- b) Identifiable differentials are set forth among classes that are sufficiently significant to permit the assignment of individual positions to the appropriate class;
- c) Reasonable career promotional opportunities are provided;
- d) The specifications provide a reasonable and valid basis for selection screening by merit examinations;
- e) All requirements of the positions are consistent with classes similar in difficulty, complexity and nature of work.

The following class titles were submitted for creation by the Director of the Illinois Department of Central Management Services (CMS):

B. Gaming Shift Supervisor
Gaming Unit Supervisor
Gaming Operations Supervisor

Assistant Executive Director Barris offered a brief presentation on the recent history of Class Specifications. Barris explained that Class Specifications are the written descriptions of the requirements, duties and responsibilities of a group of positions. Flowing from each Class Specification, individual Position Descriptions are written to describe each position within the Class. In the early 1990s, the classes called Public Service Administrator (PSA) and Senior Public Service Administrator (SPSA) were created as “broad-band” classes. This meant that the Class Specification was written very broadly, using generic terms, so the same class could be used for many different positions at many different agencies. As an example,

April 17, 2015

Barris compared his position as the Assistant Executive Director at the Civil Service Commissions classified as a PSA, Option 8L to the PSA, Option 7 (Gaming Shift Supervisor) at the Illinois Gaming Board. Despite the numerous practical differences in the duties of a PSA at the Civil Service Commission and a PSA at the Illinois Gaming Board, the only identifiable difference in the written description of the PSA class is that one falls under Option “8L-Law License” while the Illinois Gaming Board’s class falls under “Option 7–Correctional.” In other words, only one phrase is used to identify, describe and distinguish the two options within the PSA class. In recent years, the agencies and Central Management Services are moving away from broad-band classification.

Prior to the meeting, Assistant Executive Director Barris asked Chris Nickols at Central Management Services-Technical Services if positions within the class were subject to legislation removing the positions from collective bargaining and if this was an attempt to get those positions into a union. Nickols stated that the positions were not subject to such legislation. Nickols explained that the agency requested the class study because several agencies who use the PSA class work closely together but needed to pay the positions within the class separately. Nickols explained that the December 2014 request was withdrawn from the Civil Service Commission’s December meeting because Central Management Services, the union and the agencies needed to establish an agreement on the definition of a “sworn officer” and “non-sworn officer” in relation to the term “peace officer.” Nickols stated that an agreement was reached on this issue. Mark Ostrowski, Administrator-Illinois Gaming Board, explained the many duties and responsibilities within the classes related to the Gaming Board’s jurisdiction over approximately ten river boats and 19,000 gaming machines. For all of the above reasons, Staff recommended approval of the new classes.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0, TO APPROVE THE CREATION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE ON MAY 1, 2015:

- B. Gaming Shift Supervisor**
- Gaming Unit Supervisor**
- Gaming Operations Supervisor**

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

April 17, 2015

VIII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO CLOSE A PORTION OF THE MEETING PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

BATES	YES	CUMMINGS	YES
FITZGERALD	YES	KREY	YES
URLACHER	YES		

April 17, 2015

IX. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 11:28 a.m.

PRESENT

Chairman Fredrick H. Bates, Anita M. Cummings, Garrett P. FitzGerald (by telephone), Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; and Assistant Executive Director Andrew Barris (by telephone).

Mary Ray asked to make a statement to the Commission regarding her appeal. Chairman Bates granted her two minutes to do so. Ms. Ray then commented on how she had hoped to make an oral presentation to the Commission prior to consideration of her appeal. Chairman Bates and Executive Director Stralka explained to her why she would not have been allowed to do so, noting she had previously timely filed a written reply to the Proposal for Decision and had not asked to make such a presentation in accordance with Commission Rules. That completed her statement.

X. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department.

Agency	2/28/15	3/31/15	3/31/14
Aging	0	0	1
Arts Council	0	0	1
Central Management Services	1	2	0
Children and Family Services	4	2	1
Healthcare and Family Services	5	2	3
Human Services	4	2	3
Insurance	1	0	0
Natural Resources	4	3	0
Revenue	0	0	1
State Retirement Systems	0	0	4
Transportation	9	2	6
Veterans' Affairs	0	0	1
Totals	28	13	21

April 17, 2015

XI. INTERLOCUTORY APPEAL

S-34-15

Employee	Luz M. Guerra	Appeal Date	2/25/15
Agency	Employment Security	Decision Date	4/06/15
Type	Suspension	ALJ	Daniel Stralka
Issue(s)	Motion to Dismiss filed for untimely filing of appeal	Proposal for Decision	Grant the Motion to Dismiss.

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE APPEAL. THE FAILURE OF GUERRA TO FILE HER APPEAL WITHIN 15 DAYS AFTER RECEIPT OF THE APPROVED CHARGES RESULTED IN THE COMMISSION HAVING NO JURISDICTION OVER THIS MATTER.

**BATES YES CUMMINGS YES
FITZGERALD YES KREY YES
URLACHER YES**

XII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-31-15

Employee	Charles E. Tucker	Appeal Date	1/07/15
Agency	Corrections	Decision Date	4/03/15
Appeal Type	Discharge	Proposal for	Discharge upheld.
ALJ	Daniel Stralka	Decision	

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO UPHOLD THE DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED APRIL 3, 2015.

**BATES YES CUMMINGS YES
FITZGERALD YES KREY YES
URLACHER YES**

RV-21-15

Employee	Mary L. Ray	Appeal Date	11/03/14
Agency	Human Services	Decision Date	03/20/15
Appeal Type	Rule Violation	Proposal for Decision	No violation.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT A VIOLATION OF THE PERSONNEL CODE OR PERSONNEL RULES HAS NOT BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE.

BATES	YES	CUMMINGS	YES
FITZGERALD	YES	KREY	YES
URLACHER	YES		

XIII. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

DA-35-15

Employee	Deon Sanderfer, Sr.	Appeal Date	3/02/15
Agency	Human Services	Decision Date	3/30/15
Appeal Type	Discharge	Proposal for Decision	Dismissed; withdrawn.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE APPEAL.

BATES	YES	CUMMINGS	YES
FITZGERALD	YES	KREY	YES
URLACHER	YES		

April 17, 2015

XIV. STAFF REPORT

Executive Director Daniel Stralka reported that:

- The annual Ethics test was included with this month's materials. Signed receipts are to be returned to him as Ethics Officer.
- The fiscal year 2016 Senate appropriation hearing is scheduled for April 30, 2015. He also noted that the Commission had its fiscal year 2015 appropriation reduced 2.25% from \$379,000 to \$370,500. Due to the extended vacancy of the Fiscal Officer position, the Commission will not be affected by this reduction.
- The Office of the Auditor General began the biannual compliance audit for fiscal year 2014 and fiscal year 2015. It had provided a list of nine exceptions that he responded to. Chairman Bates asked that a copy of the Auditor General e-mails and Commission response be forwarded to him.
- Executive Director Stralka had met with representatives of the Governor's Office and Central Management Services on April 6, 2015 regarding unspecified Rutan matters. It appears that the Office of the Executive Inspector General had recommended that Central Management Services should not be making Rutan exemption determinations on its own positions. The purpose of the meeting was to explore the Commission taking over that responsibility for Central Management Services. No final resolution had been made.
- At the March meeting, a communication to Personnel Code-covered employees that had been excluded from their collective bargaining units as a result of the Management Bill (P.A. 97-1172) was first discussed. At the conclusion of the discussion, it was the consensus of the Commissioners that Staff should prepare a draft communication to such employees reminding them of their rights under the Personnel Code. A draft e-mail had been provided to all the Commissioners prior to the April meeting for their review and consideration. After deliberation and some suggested changes, the general form of the communication was agreed upon and Staff was charged with moving forward with this initiative. Chairman Bates also suggested that the communication can be posted on the Commission website once delivery starts.
- Chairman Bates and Executive Director Stralka met with Acting Director Tom Tyrrell and Assistant Director Kim McCullough of Central Management Services on April 10, 2015. At the meeting, a general discussion of issues arising from the relationship of the Commission to Central Management Services occurred. Chairman Bates noted specifically that there was a discussion of potential changes to the State's system of personnel management, and he noted specifically for the Director that the Commission should be involved in any such endeavor.

April 17, 2015

- At a General Counsel meeting conducted by the Governor's Office, the Deputy General Counsel for Central Management Services presented the following figures as to its recent arbitration record:
 - 92 total disciplinary arbitrations
 - 13% agency won
 - 8% agency lost
 - 6% discipline was mitigated
 - 58% settled favorable for the agency
 - 11% settled unfavorably for the agency
 - 4% union withdrew

Commissioner Cummings then brought up how these figures compare to the Commission's decisions and a general discussion ensued which all Commissioners participated in.

Assistant Executive Director Andrew Barris reported that a bill passed in the Illinois Senate increasing the Interagency Committee on Employees with Disabilities (ICED) to 18 members.

XV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held Friday, May 15, 2015 at 1:30 p.m. in the Commission's Springfield office.

XVI. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:46 A.M.